

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**CATINA PARKER, as Personal Representative
of the Estate of Leonard Parker, Jr., Deceased**

PLAINTIFF

VERSUS

NO.1:21-cv-00217-HSO-BWR

**The CITY OF GULFPORT, a municipal
corporation; JASON CUEVAS, in his individual
and official capacity**

DEFENDANTS

**MOTION *IN LIMINE* TO EXCLUDE TESTIMONY
OF JERONIMO RODRIGUEZ, PLAINTIFF'S EXPERT**

COMES NOW the Defendant, Jason Cuevas, by and through his counsel of record, and, pursuant to the Federal Rules of Evidence, files this, his Motion *In Limine* and/or Motion to Exclude or Strike the Testimony (*Daubert* motion) of Jeronimo Rodriguez, Plaintiff's Expert, and along with a memorandum brief filed contemporaneously herewith, would show unto the Court the following:

1.

This is a 42 U.S.C. § 1983 case relating to police events that occurred on February 1, 2020 wherein the Plaintiff alleges Officer Jason Cuevas used excessive force against Leonard Parker Jr. Officer Cuevas has denied all allegations of any use of excessive force. During this discovery period, the Plaintiff designated Jeronimo Rodriguez as an expert witness and he intends to offer opinions on the use of force and police practices and policies of the Gulfport Police Department, how those practices and policies were deployed by Officer Cuevas on the morning of the incident, and whether those practices and policies were proper.

2.

In this Motion, Officer Cuevas challenges the relevancy, reliability and admissibility of Rodriguez's opinions. To date, Rodriguez has produced a single report that has not been supplemented. This report is dated June 30, 2023 and was submitted to the Defendants on October 1, 2024. In his Report, Rodriguez states that he was provided 43 documents by the Plaintiff that he reviewed.

3.

Rodriguez's proposed testimony should be stricken for the following reasons: (1) He substitutes himself as fact finder and makes credibility determinations about the testimony of the witnesses; (2) He gives opinions that make legal conclusions; (3) He uses buzz-phrases such as "generally accepted practices" and "my specialized training, experience, and knowledge" as a trump card to offer conclusions about the case while giving no citation or justification for the basis undergirding his opinions; (4) He testifies to areas of the case that are beyond his expertise; (5) He questions the sufficiency of the investigation done into the incident; and (6) He gives opinions on the policies and procedures of the Gulfport Police Department even though said opinions are irrelevant as to Office Cuevas and no §1983 claims have been asserted against the Gulfport Police Department and such opinions are irrelevant to a tort claim under the Mississippi Tort Claims Act. Therefore, this expert testimony should be stricken and Rodriguez should not be allowed to testify as an expert.

4.

In support of this Motion, Officer Cuevas relies on the following:

- (1) Report of Jeronimo Rodriguez, a true and correct copy of which is attached hereto as Exhibit “A”; and,
- (2) Excerpts from the Deposition of Jason Cuevas’s first deposition transcript, a true and correct copy of which is attached hereto as Exhibit “B”.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Jason Cuevas, respectfully request that the Court grants his request to exclude and/or strike the expert witness testimony of Jeronimo Rodriguez, and/or for any other relief to which he is entitled.

Respectfully submitted, this the 28th day of February, 2025.

JASON CUEVAS

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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